D.B. INCOME TAX APPEAL NO.62/2006

CIT, Udaipur **Vs**. Shri Nanalal Teli (Devra) Kelwa

Date : 23.05.2006

PRESENT
HON'BLE JUSTICE MR. RAJESH BALIA
HON'BLE JUSTICE MR. R.P. VYAS

Mr. K.K. Bissa for the appellant.

This appeal is directed against the order dated 7.2.2005 of the Income Tax Appellate Tribunal, Jodhpur Bench, Jodhpur by which two separate appeals were decided. One relating to assessment year 1993-94 and another 1994-95.

This appeal relates to assessment year 1994-95. The only question that was raised and decided by the Tribunal in respect of assessment year 1994-95 was about additions made in the income of the assessee of Rs.1,56,200/- as income from the undisclosed sources on account of purchase of agricultural land in the name of his minor son.

The CIT (Appeals) has found in favour of the assessee by accepting his contention that the fund for purchase of agricultural land generated from the Hindu Undivided Family of which the assessee was a Karta. The CIT (Appeals) accepted the

existence of HUF and sufficiency of available fund which could be invested in the purchase of agricultural land. That finding has been affirmed by the Tribunal.

In our opinion, whether the HUF existed and it had sufficient fund to invest for purchasing the agricultural land are findings of facts and no substantial question of law arises for consideration in this appeal.

Accordingly, the appeal fails and is hereby dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

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